

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 275

SENATE BILL 1253

AN ACT

AMENDING SECTION 48-261, ARIZONA REVISED STATUTES; REPEALING SECTION 48-265, ARIZONA REVISED STATUTES; AMENDING SECTION 48-802, ARIZONA REVISED STATUTES; REPEALING SECTION 48-815, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-815.01 AND 48-815.02; AMENDING SECTIONS 48-851 AND 48-2102, ARIZONA REVISED STATUTES; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-261, Arizona Revised Statutes, is amended to
3 read:

4 48-261. District creation; procedures; notice; hearing;
5 determinations; petitions

6 A. A fire district, community park maintenance district, sanitary
7 district or hospital district for either a hospital or an urgent care center
8 shall be created by the following procedures:

9 1. Any adult person desiring to propose creation of a district shall
10 prepare and submit a district impact statement to the board of supervisors of
11 the county in which the district is to be located. Except for a proposed
12 community park maintenance district that is to be located in more than one
13 county, if a proposed district is located in more than one county, the impact
14 statement shall be submitted to the board of supervisors of the county in
15 which the majority of the assessed valuation of the proposed district is
16 located. The boards of supervisors of any other counties in which a portion
17 of the district is to be located shall provide information and assistance to
18 the responsible board of supervisors. For a community park maintenance
19 district that is to be located in more than one county, the impact statement
20 shall be submitted to the board of supervisors for each of the affected
21 counties. If the person desiring to create a district pursuant to this
22 section is unable to complete the district impact statement, the board of
23 supervisors may assist in the completion of the impact statement if requested
24 to do so, provided the bond required in subsection C of this section is in an
25 amount sufficient to cover any additional cost to the county. The district
26 impact statement shall contain at least the following information:

27 (a) A legal description of the boundaries of the proposed district and
28 a detailed, accurate map of the area to be included in the district.

29 (b) An estimate of the assessed valuation within the proposed
30 district.

31 (c) An estimate of the change in the property tax liability, as a
32 result of the proposed district, of a typical resident of the proposed
33 district.

34 (d) A list and explanation of benefits that will result from the
35 proposed district.

36 (e) A list and explanation of the injuries that will result from the
37 proposed district.

38 (f) The names, addresses and occupations of the proposed members of
39 the district's organizing board of directors.

40 (g) A description of the scope of services to be provided by the
41 district during its first five years of operation. At a minimum this
42 description shall include an estimate of anticipated capital expenditures,
43 personnel growth and enhancements to service.

44 2. On receipt of the district impact statement, the board of
45 supervisors shall set a day, not fewer than thirty nor more than sixty days

1 from that date, for a hearing on the impact statement. The board of
2 supervisors, at any time ~~prior to~~ BEFORE making a determination pursuant to
3 paragraph 4 of this subsection, may require that the impact statement be
4 amended to include any information that the board of supervisors deems to be
5 relevant and necessary.

6 3. On receipt of the district impact statement, the clerk of the board
7 of supervisors shall mail, by first class mail, written notice of the
8 statement, its purpose and notice of the day, hour and place of the hearing
9 on the proposed district to each owner of taxable property and to each
10 household in which a qualified elector resides within the boundaries of the
11 proposed district. The clerk of the board of supervisors shall post the
12 notice in at least three conspicuous public places in the area of the
13 proposed district and shall publish twice in a daily newspaper of general
14 circulation in the area of the proposed district, at least ten days before
15 the hearing, or, if no daily newspaper of general circulation exists in the
16 area of the proposed district, at least twice at any time before the date of
17 the hearing, a notice setting forth the purpose of the impact statement, the
18 description of the area of the proposed district and the day, hour and place
19 of the hearing.

20 4. At the hearing called pursuant to paragraph 2 of this subsection,
21 the board of supervisors shall hear those who appear for and against the
22 proposed district and shall determine whether the creation of the district
23 will promote public health, comfort, convenience, necessity or welfare. If
24 the board of supervisors determines that the public health, comfort,
25 convenience, necessity or welfare will be promoted, it shall approve the
26 district impact statement and authorize the persons proposing the district to
27 circulate petitions as provided in this subsection. For a community park
28 maintenance district that is required to obtain the approval of more than one
29 county's board of supervisors, the petitions may only be circulated after
30 approval of the board of supervisors from each affected county. The order of
31 the board of supervisors shall be final, but if the request to circulate
32 petitions is denied, a subsequent request for a similar district may be
33 refiled with the board of supervisors after six months from the date of such
34 denial.

35 5. Within fifteen days after receiving the approval of the board of
36 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
37 board shall determine the minimum number of signatures required for
38 compliance with paragraph 7, ~~subdivisions (b) and (c)~~ of this subsection.
39 After making that determination, that number of signatures shall remain
40 fixed, ~~notwithstanding any subsequent changes in voter registration records.~~

41 6. After receiving the approval of the board of supervisors as
42 provided in paragraph 4 of this subsection, any adult person may circulate
43 and present petitions to the board of supervisors of the county in which the
44 district is located. All petitions circulated shall be returned to the board
45 of supervisors within one year from the date of the approval of the board of

1 supervisors pursuant to paragraph 4 of this subsection. Any petition that is
2 returned more than one year from that date is void.

3 7. The petitions presented pursuant to paragraph 6 of this subsection
4 shall comply with the provisions regarding ~~petition form in section 48-265~~
5 ~~and verification in section 48-266~~ and shall:

6 (a) At all times, contain a legal description of the boundaries of the
7 proposed district and a detailed, accurate map of the proposed district and
8 the names, addresses and occupations of the proposed members of the
9 district's organizing board of directors. No alteration of the proposed
10 district shall be made after receiving the approval of the board of
11 supervisors as provided in paragraph 4 of this subsection.

12 (b) Be signed by more than one-half of the property owners in the area
13 of the proposed district and be signed by persons owning collectively more
14 than one-half of the assessed valuation of the property in the area of the
15 proposed district.

16 ~~(c) If a petition of qualified electors, be signed by more than~~
17 ~~one-half of the qualified electors within the boundaries of the proposed~~
18 ~~district.~~

19 8. On receipt of the petitions, the board of supervisors shall set a
20 day, not fewer than ten nor more than thirty days from that date, for a
21 hearing on the petition.

22 9. ~~Prior to~~ BEFORE the hearing called pursuant to paragraph 8 of this
23 subsection, the board of supervisors shall determine the validity of the
24 petitions presented.

25 10. At the hearing called pursuant to paragraph 8 of this subsection,
26 the board of supervisors, if the petitions are valid, shall order the
27 creation of the district. The board of supervisors shall enter its order
28 setting forth its determination in the minutes of the meeting, not later than
29 ten days from the day of the hearing, and a copy of the order shall be filed
30 in the county recorder's office. The order of the board of supervisors shall
31 be final, and the proposed district shall be created thirty days after the
32 board of supervisors votes to create the district, except that for a
33 community park maintenance district that is proposed for more than one
34 county, the proposed district is created thirty days after the approval of
35 the board of supervisors of the final county of the counties in which the
36 district is to be located. A decision of the board of supervisors under this
37 subsection is subject to judicial review under title 12, chapter 7,
38 article 6.

39 B. For the purpose of determining the validity of the petitions
40 presented pursuant to subsection A, paragraph 6 of this section:

41 ~~1. Qualified electors shall be those persons qualified to vote~~
42 ~~pursuant to title 16.~~

43 ~~2.~~ 1. Property held in multiple ownership shall be treated as if it
44 had only one property owner, so that the signature of only one of the owners
45 of property held in multiple ownership is required on the formation petition.

1 ~~3-~~ 2. The value of property shall be determined as follows:

2 (a) In the case of property assessed by the county assessor, values
3 shall be the same as those shown on the last assessment roll of the county
4 containing such property.

5 (b) In the case of property valued by the department of revenue, the
6 values shall be those determined by the department in the manner provided by
7 law, for municipal assessment purposes. The county assessor and the
8 department of revenue, respectively, shall furnish to the board of
9 supervisors, within twenty days after such a request, a statement in writing
10 showing the owner, the address of each owner and the appraisal or assessment
11 value of properties contained within the boundaries of the proposed district
12 as described in subsection A of this section.

13 C. The board of supervisors may require of the person desiring to
14 propose creation of a district pursuant to subsection A, paragraph 1 of this
15 section a reasonable bond to be filed with the board at the start of
16 proceedings under this section. The bond shall be in an amount sufficient to
17 cover costs incurred by the county if the district is not finally organized.
18 County costs covered by the bond include any expense incurred from completion
19 of the district impact statement, mailing of the notice of hearing to
20 district property owners and electors, publication of the notice of hearing
21 and other expenses reasonably incurred as a result of any requirements of
22 this section.

23 D. If a district is created pursuant to this section, the cost of
24 publication of the notice of hearing, the mailing of notices to electors and
25 property owners and all other costs incurred by the county as a result of
26 this section shall be a charge against the district.

27 E. If a proposed district would include property located within an
28 incorporated city or town, in addition to the other requirements of
29 subsection A of this section, the board shall approve the creation and
30 authorize the circulation of petitions only if the governing body of the city
31 or town has by ordinance or resolution endorsed such creation.

32 F. Except as provided in section 48-851 and section 48-2001,
33 subsection A, the area of a district created pursuant to this section shall
34 be contiguous.

35 G. A district organized pursuant to this section shall have an
36 organizing board of directors to administer the affairs of the district until
37 a duly constituted board of directors is elected as provided in this title.
38 The organizing board shall have all the powers, duties and responsibilities
39 of an elected board. The organizing board shall consist of the three
40 individuals named in the district impact statement and the petitions
41 presented pursuant to subsection A of this section. If a vacancy occurs on
42 the organizing board, the remaining board members shall fill the vacancy by
43 appointing an interim member. Members of the organizing board shall serve
44 without compensation but may be reimbursed for actual expenses incurred in

1 performing their duties. The organizing board shall elect from its members a
2 chairman and a clerk.

3 H. For the purposes of this section assessed valuation does not
4 include the assessed valuation of property that is owned by a county, this
5 state or the United States government and in the case of multiple ownership
6 of a single parcel of property, any one property owner constitutes the entire
7 ownership interest.

8 Sec. 2. Repeal

9 Section 48-265, Arizona Revised Statutes, is repealed.

10 Sec. 3. Section 48-802, Arizona Revised Statutes, is amended to read:
11 48-802. Election procedures

12 A. All elections held pursuant to this article shall conform to the
13 requirements of this section.

14 B. Except as otherwise provided in this article, the manner of
15 conducting and voting at an election, contesting an election, keeping poll
16 lists, canvassing votes and certifying returns shall be the same, as nearly
17 as practicable, as in elections for county officers. If the fire district is
18 administered by a board, after consultation with the officer in charge of
19 elections, a fire district may divide itself into precincts. To the extent
20 practicable, the precincts shall be equal or as nearly equal in population
21 and shall conform to the boundaries of precincts adopted by the board of
22 supervisors of the county. The fire district shall thereafter conduct its
23 elections using those precincts.

24 C. No person may vote at the election other than a qualified elector
25 of this state who has registered to vote at least twenty-nine days before the
26 election as a resident within the district boundaries, proposed district
27 boundaries created by the merger of fire districts or the proposed district
28 boundaries created by a consolidated district. A person offering to vote at
29 a fire district election for which no fire district register has been
30 supplied shall sign an affidavit stating the person's address and the fire
31 district in which the person resides and swearing the person is qualified to
32 vote and has not voted at the fire district election being held. A person
33 offering to vote at a fire district election for which a fire district
34 register has been supplied shall proceed as required for voting at any
35 election at which precinct registers are used.

36 D. In elections for an elected chief and secretary-treasurer or
37 district board members:

38 1. The person or persons within the district or precinct, as
39 applicable, receiving the highest number of votes shall be declared elected.

40 2. Candidates must be, and during incumbency must remain, qualified
41 electors of the fire district. In a fire district that is divided into
42 precincts as prescribed by subsection B of this section, candidates shall be
43 qualified electors of the precinct in which they are candidates and during
44 incumbency must remain qualified electors of that precinct.

1 3. Elections, other than special elections to fill a vacancy or
2 elections to merge or dissolve fire districts, shall be held on the first
3 Tuesday after the first Monday in November of the first even numbered year
4 following the year the district is declared organized by the board of
5 supervisors and, in the case of a fire district administered by a district
6 board, every two years thereafter on the first Tuesday after the first Monday
7 in November. Elections shall be held every four years thereafter in
8 districts administered by an elected chief.

9 4. Except for an election to reorganize a fire district, nominating
10 petitions shall be filed with the board of supervisors as prescribed by title
11 16, chapter 3. If only one person files or no person files a nominating
12 petition for an election to fill a position on the district board or the
13 position of elected fire chief or elected secretary-treasurer for which the
14 term of office is to expire, the board of supervisors may cancel the election
15 for that position and appoint the person who filed the nominating petition to
16 fill the position. If no person files a nominating petition for an election
17 to fill a district office, the board of supervisors may cancel the election
18 for those offices and those offices are deemed vacant and shall be filled as
19 otherwise provided by law. A person who is appointed pursuant to this
20 paragraph is fully vested with the powers and duties of the office as if
21 elected to that office.

22 5. The names of all nominated persons for office within the district
23 or precinct, as applicable, shall appear on the ballot without partisan
24 designation.

25 E. In an election to reorganize ~~or dissolve a fire district~~, notice of
26 the appropriate order of the board of supervisors or governing body of the
27 district shall be given as prescribed by title 16. ~~An order to hold an~~
28 ~~election shall be issued not more than thirty days from the receipt of~~
29 ~~petitions pursuant to section 48-815.~~

30 F. In an election to merge fire districts, notice of the appropriate
31 order of the board of supervisors shall be given as prescribed by title 16.
32 In addition, notice of the election with an accurate map of the territory
33 proposed to be merged shall be sent by first class mail to each owner of
34 property that would be subject to taxation by the merged district at least
35 sixty days before the election. An order to hold an election shall be issued
36 not more than thirty days after the receipt of the resolution to merge fire
37 districts pursuant to section 48-820.

38 G. In an election to consolidate fire districts, notice of the
39 appropriate order of the board of supervisors shall be given as prescribed by
40 title 16. In addition, notice of the election with an accurate map of the
41 territory proposed to be consolidated shall be sent by first class mail to
42 each owner of property that would be subject to taxation by the consolidated
43 district at least sixty days before the election. An order to hold an
44 election shall be issued not more than thirty days after the receipt of the
45 resolution to consolidate fire districts pursuant to section 48-822.

1 Sec. 4. Repeal

2 Section 48-815, Arizona Revised Statutes, is repealed.

3 Sec. 5. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
4 amended by adding sections 48-815.01 and 48-815.02, to read:

5 48-815.01. District dissolution; procedures; notice; hearing;
6 determinations; petitions

7 A. A FIRE DISTRICT MAY BE DISSOLVED BY THE FOLLOWING PROCEDURES:

8 1. ANY ADULT PERSON DESIRING TO DISSOLVE A FIRE DISTRICT SHALL PREPARE
9 AND SUBMIT A DISSOLUTION STATEMENT TO THE BOARD OF SUPERVISORS OF THE COUNTY
10 IN WHICH THE DISTRICT IS LOCATED. THE DISSOLUTION STATEMENT SHALL CONTAIN AT
11 LEAST THE FOLLOWING INFORMATION:

12 (a) A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT AND A
13 DETAILED, ACCURATE MAP OF THE DISTRICT.

14 (b) A LIST AND EXPLANATION OF BENEFITS THAT WILL RESULT FROM THE
15 PROPOSED DISSOLUTION OF THE DISTRICT.

16 (c) A LIST AND EXPLANATION OF THE INJURIES THAT WILL RESULT FROM THE
17 PROPOSED DISSOLUTION OF THE DISTRICT.

18 2. ON RECEIPT OF THE DISSOLUTION STATEMENT, THE BOARD OF SUPERVISORS
19 SHALL SET A DAY, NOT FEWER THAN THIRTY NOR MORE THAN SIXTY DAYS FROM THAT
20 DATE, FOR A HEARING ON THE DISSOLUTION STATEMENT. THE BOARD OF SUPERVISORS,
21 AT ANY TIME PRIOR TO MAKING A DETERMINATION PURSUANT TO PARAGRAPH 4 OF THIS
22 SUBSECTION, MAY REQUIRE THAT THE DISSOLUTION STATEMENT BE AMENDED TO INCLUDE
23 ANY INFORMATION THAT THE BOARD OF SUPERVISORS DEEMS TO BE RELEVANT AND
24 NECESSARY.

25 3. ON RECEIPT OF THE DISSOLUTION STATEMENT, THE CLERK OF THE BOARD OF
26 SUPERVISORS SHALL MAIL, BY FIRST CLASS MAIL, WRITTEN NOTICE OF THE STATEMENT,
27 ITS PURPOSE AND NOTICE OF THE DAY, HOUR AND PLACE OF THE HEARING ON THE
28 PROPOSED DISSOLUTION OF THE DISTRICT TO EACH OWNER OF TAXABLE PROPERTY WITHIN
29 THE BOUNDARIES OF THE DISTRICT. THE CLERK OF THE BOARD OF SUPERVISORS SHALL
30 POST THE NOTICE IN AT LEAST THREE CONSPICUOUS PUBLIC PLACES IN THE AREA OF
31 THE DISTRICT AND SHALL PUBLISH TWICE IN A DAILY NEWSPAPER OF GENERAL
32 CIRCULATION IN THE AREA OF THE DISTRICT, AT LEAST TEN DAYS BEFORE THE
33 HEARING, OR, IF NO DAILY NEWSPAPER OF GENERAL CIRCULATION EXISTS IN THE AREA
34 OF THE DISTRICT, AT LEAST TWICE AT ANY TIME BEFORE THE DATE OF THE HEARING, A
35 NOTICE SETTING FORTH THE PURPOSE OF THE DISSOLUTION STATEMENT, THE
36 DESCRIPTION OF THE AREA OF THE DISTRICT AND THE DAY, HOUR AND PLACE OF THE
37 HEARING.

38 4. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION,
39 THE BOARD OF SUPERVISORS SHALL HEAR THOSE WHO APPEAR FOR AND AGAINST THE
40 PROPOSED DISSOLUTION OF THE DISTRICT AND SHALL DETERMINE WHETHER THE
41 DISSOLUTION OF THE DISTRICT WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE,
42 NECESSITY OR WELFARE. IF THE BOARD OF SUPERVISORS DETERMINES THAT THE PUBLIC
43 HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL
44 APPROVE THE DISSOLUTION STATEMENT AND AUTHORIZE THE PERSONS PROPOSING THE
45 DISSOLUTION OF THE DISTRICT TO CIRCULATE PETITIONS AS PROVIDED IN THIS

1 SUBSECTION. THE ORDER OF THE BOARD OF SUPERVISORS SHALL BE FINAL, BUT IF THE
2 REQUEST TO CIRCULATE PETITIONS IS DENIED, A SUBSEQUENT REQUEST FOR A SIMILAR
3 DISTRICT DISSOLUTION MAY BE REFILED WITH THE BOARD OF SUPERVISORS AFTER SIX
4 MONTHS FROM THE DATE OF SUCH DENIAL.

5 5. WITHIN FIFTEEN DAYS AFTER RECEIVING THE APPROVAL OF THE BOARD OF
6 SUPERVISORS AS PRESCRIBED BY PARAGRAPH 4 OF THIS SUBSECTION, THE CLERK OF THE
7 BOARD SHALL DETERMINE THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR
8 COMPLIANCE WITH PARAGRAPH 7 OF THIS SUBSECTION. AFTER MAKING THAT
9 DETERMINATION, THAT NUMBER OF SIGNATURES SHALL REMAIN FIXED.

10 6. AFTER RECEIVING THE APPROVAL OF THE BOARD OF SUPERVISORS AS
11 PROVIDED IN PARAGRAPH 4 OF THIS SUBSECTION, ANY ADULT PERSON MAY CIRCULATE
12 AND PRESENT PETITIONS FOR THE DISSOLUTION OF THE DISTRICT TO THE BOARD OF
13 SUPERVISORS OF THE COUNTY IN WHICH THE DISTRICT IS LOCATED. ALL PETITIONS
14 CIRCULATED SHALL BE RETURNED TO THE BOARD OF SUPERVISORS WITHIN ONE YEAR FROM
15 THE DATE OF THE APPROVAL OF THE BOARD OF SUPERVISORS PURSUANT TO PARAGRAPH 4
16 OF THIS SUBSECTION. ANY PETITION THAT IS RETURNED MORE THAN ONE YEAR FROM
17 THAT DATE IS VOID.

18 7. THE PETITIONS PRESENTED PURSUANT TO PARAGRAPH 6 OF THIS SUBSECTION
19 SHALL COMPLY WITH SECTION 48-815.02 AND SHALL AT ALL TIMES, CONTAIN A LEGAL
20 DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT AND A DETAILED, ACCURATE MAP OF
21 THE DISTRICT. PETITIONS SHALL BE SIGNED BY MORE THAN ONE-HALF OF THE
22 PROPERTY OWNERS IN THE AREA OF THE DISTRICT AND BE SIGNED BY PERSONS OWNING
23 COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF THE PROPERTY IN
24 THE AREA OF THE DISTRICT.

25 8. ON RECEIPT OF THE PETITIONS, THE BOARD OF SUPERVISORS SHALL SET A
26 DAY, NOT FEWER THAN TEN NOR MORE THAN THIRTY DAYS FROM THAT DATE, FOR A
27 HEARING ON THE PETITION.

28 9. PRIOR TO THE HEARING CALLED PURSUANT TO PARAGRAPH 8 OF THIS
29 SUBSECTION, THE BOARD OF SUPERVISORS SHALL DETERMINE THE VALIDITY OF THE
30 PETITIONS PRESENTED.

31 10. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 8 OF THIS SUBSECTION,
32 THE BOARD OF SUPERVISORS, IF THE PETITIONS ARE VALID, SHALL ORDER THE
33 DISSOLUTION OF THE DISTRICT. THE BOARD OF SUPERVISORS SHALL ENTER ITS ORDER
34 SETTING FORTH ITS DETERMINATION IN THE MINUTES OF THE MEETING, NOT LATER THAN
35 TEN DAYS FROM THE DAY OF THE HEARING, AND A COPY OF THE ORDER SHALL BE FILED
36 IN THE COUNTY RECORDER'S OFFICE. THE ORDER OF THE BOARD OF SUPERVISORS SHALL
37 BE FINAL, AND THE DISTRICT SHALL BE DISSOLVED THIRTY DAYS AFTER THE BOARD OF
38 SUPERVISORS VOTES. A DECISION OF THE BOARD OF SUPERVISORS UNDER THIS SECTION
39 IS SUBJECT TO JUDICIAL REVIEW UNDER TITLE 12, CHAPTER 7, ARTICLE 6.

40 11. ON THE RECORDING OF THE ORDER PRESCRIBED IN PARAGRAPH 10 OF THIS
41 SUBSECTION, ALL MONEY REMAINING IN THE FIRE DISTRICT FUND AFTER THE PAYMENT
42 OF ALL VALID CLAIMS AGAINST THE DISTRICT SHALL BE TRANSFERRED TO THE GENERAL
43 FUND OF THE COUNTY IN WHICH THE FIRE DISTRICT IS LOCATED, BUT IF ALL OF THE
44 FIRE DISTRICT HAS BEEN INCLUDED WITHIN THE CORPORATE LIMITS OF A CITY OR
45 TOWN, THEN ON DISSOLUTION AS PROVIDED BY THIS SECTION, THE EQUIPMENT, ASSETS

1 AND LIABILITIES OF THE DISTRICT SHALL BE TRANSFERRED TO THAT CITY OR TOWN. IF
2 THE DISTRICT WAS AN EMPLOYER COVERED BY THE ARIZONA STATE RETIREMENT SYSTEM,
3 THE CLERK OF THE COUNTY BOARD OF SUPERVISORS SHALL NOTIFY THE DIRECTOR OF THE
4 ARIZONA STATE RETIREMENT SYSTEM OF THE DISSOLUTION OF THE DISTRICT.

5 12. TAXES SHALL CONTINUE TO BE LEVIED AS PROVIDED IN SECTION 48-806,
6 SUBSECTION I ON ALL THE TAXABLE PROPERTY WITHIN THE FORMAL BOUNDARIES OF THE
7 DISTRICT TO PAY THE PRINCIPAL OR ANY INTEREST ON OUTSTANDING BONDS OF THE
8 DISTRICT.

9 B. FOR THE PURPOSE OF DETERMINING THE VALIDITY OF THE PETITIONS
10 PRESENTED PURSUANT TO SUBSECTION A, PARAGRAPH 6 OF THIS SECTION:

11 1. PROPERTY HELD IN MULTIPLE OWNERSHIP SHALL BE TREATED AS IF IT HAD
12 ONLY ONE PROPERTY OWNER, SO THAT THE SIGNATURE OF ONLY ONE OF THE OWNERS OF
13 PROPERTY HELD IN MULTIPLE OWNERSHIP IS REQUIRED ON THE FORMATION PETITION.

14 2. THE VALUE OF PROPERTY SHALL BE DETERMINED AS FOLLOWS:

15 (a) IN THE CASE OF PROPERTY ASSESSED BY THE COUNTY ASSESSOR, VALUES
16 SHALL BE THE SAME AS THOSE SHOWN ON THE LAST ASSESSMENT ROLL OF THE COUNTY
17 CONTAINING SUCH PROPERTY.

18 (b) IN THE CASE OF PROPERTY VALUED BY THE DEPARTMENT OF REVENUE, THE
19 VALUES SHALL BE THOSE DETERMINED BY THE DEPARTMENT IN THE MANNER PROVIDED BY
20 LAW, FOR MUNICIPAL ASSESSMENT PURPOSES. THE COUNTY ASSESSOR AND THE
21 DEPARTMENT OF REVENUE, RESPECTIVELY, SHALL FURNISH TO THE BOARD OF
22 SUPERVISORS, WITHIN TWENTY DAYS AFTER SUCH A REQUEST, A STATEMENT IN WRITING
23 SHOWING THE OWNER, THE ADDRESS OF EACH OWNER AND THE APPRAISAL OR ASSESSMENT
24 VALUE OF PROPERTIES CONTAINED WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT
25 AS DESCRIBED IN SUBSECTION A OF THIS SECTION.

26 C. FOR THE PURPOSES OF THIS SECTION ASSESSED VALUATION DOES NOT
27 INCLUDE THE ASSESSED VALUATION OF PROPERTY THAT IS OWNED BY A COUNTY, THIS
28 STATE OR THE UNITED STATES GOVERNMENT AND IN THE CASE OF MULTIPLE OWNERSHIP
29 OF A SINGLE PARCEL OF PROPERTY, ANY ONE PROPERTY OWNER CONSTITUTES THE ENTIRE
30 OWNERSHIP INTEREST.

31 D. THE BOARD OF SUPERVISORS MAY REQUIRE OF THE PERSON DESIRING TO
32 DISSOLVE A DISTRICT PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION A
33 REASONABLE BOND TO BE FILED WITH THE BOARD AT THE START OF PROCEEDINGS UNDER
34 THIS SECTION. THE BOND SHALL BE IN AN AMOUNT SUFFICIENT TO COVER COSTS
35 INCURRED BY THE COUNTY IF THE DISTRICT IS NOT FINALLY DISSOLVED. COUNTY
36 COSTS COVERED BY THE BOND INCLUDE ANY EXPENSE INCURRED FROM COMPLETION OF THE
37 DISSOLUTION STATEMENT, MAILING OF THE NOTICE OF HEARING TO DISTRICT PROPERTY
38 OWNERS, PUBLICATION OF THE NOTICE OF HEARING AND OTHER EXPENSES REASONABLY
39 INCURRED AS A RESULT OF ANY REQUIREMENTS OF THIS SECTION.

40 E. IF A DISTRICT IS DISSOLVED PURSUANT TO THIS SECTION, THE COST OF
41 PUBLICATION OF THE NOTICE OF HEARING, THE MAILING OF NOTICES TO PROPERTY
42 OWNERS AND ALL OTHER COSTS INCURRED BY THE COUNTY AS A RESULT OF THIS SECTION
43 SHALL BE A VALID CHARGE AGAINST THE DISTRICT.

48-815.02. Dissolution: petitions of property owners: form:
verification

A. A PETITION OF PROPERTY OWNERS THAT IS SUBMITTED TO COMPLY WITH SECTION 48-815.01, SUBSECTION A, PARAGRAPH 7 SHALL CONTAIN A HEADING THAT CLEARLY IDENTIFIES THE TYPE OF PETITION CIRCULATED AND A STATEMENT THAT CLEARLY DESCRIBES THE TYPE OF ACTION BEING PROPOSED. THE PETITION SHALL BE IN A FORM THAT IS SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

FIRE DISTRICT DISSOLUTION PETITION

TO THE BOARD OF SUPERVISORS OF (INSERT NAME) COUNTY:

WE THE UNDERSIGNED, PROPERTY OWNERS OF (INSERT NAME OF COUNTY), STATE OF ARIZONA AND OWNING PROPERTY WITHIN THE BOUNDARIES AS ILLUSTRATED AND DEFINED ON THE ATTACHED EXHIBIT(S), LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES, PETITION THE COUNTY BOARD OF SUPERVISORS TO DISSOLVE THE (INSERT NAME OF FIRE DISTRICT) AS DESCRIBED IN THE ATTACHED EXHIBIT(S). I HAVE PERSONALLY SIGNED THIS PETITION WITH MY FIRST AND LAST NAMES. I HAVE NOT SIGNED ANY OTHER PETITION FOR THE SAME MEASURE. I AM A PROPERTY OWNER OF THE STATE OF ARIZONA, COUNTY OF _____.

NOTICE: THIS IS ONLY A DESCRIPTION OF THE PROPOSED DISSOLUTION OF THE DISTRICT BY THE SPONSOR OF THE MEASURE. IT MAY NOT INCLUDE EVERY PROVISION CONTAINED IN THE MEASURE. BEFORE SIGNING, MAKE SURE THE EXHIBITS ARE ATTACHED. YOU HAVE THE RIGHT TO READ OR EXAMINE THE STATEMENT BEFORE SIGNING.

WARNING

IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY DO ANY OF THE FOLLOWING:

1. SIGN A DISTRICT DISSOLUTION PETITION WITH A NAME OTHER THAN THE PERSON'S OWN NAME, EXCEPT IN A CIRCUMSTANCE WHERE THE PERSON SIGNS FOR ANOTHER PERSON, IN THE PRESENCE OF AND AT THE SPECIFIC REQUEST OF THAT PERSON, WHO IS INCAPABLE OF SIGNING THAT PERSON'S OWN NAME BECAUSE OF PHYSICAL INFIRMITY.

2. SIGN THE PERSON'S NAME MORE THAN ONCE FOR THE SAME MEASURE.

3. SIGN A DISTRICT DISSOLUTION PETITION IF THE PERSON IS NOT A PROPERTY OWNER.

SIGNATURE	NAME	ACTUAL	ARIZONA	CITY OR	DATE
	(FIRST AND	ADDRESS	POST OFFICE	TOWN	
	LAST NAME	(STREET &	ADDRESS	(IF ANY)	
	PRINTED)	NO. AND IF	& ZIP		
		NO STREET	CODE		
		ADDRESS,			
		DESCRIBE			
		RESIDENCE			
		LOCATION)			

(FIFTEEN NUMBERED LINES FOR SIGNATURES)

THE VALIDITY OF SIGNATURES ON THIS SHEET MUST BE SWORN TO BY THE CIRCULATOR BEFORE A NOTARY PUBLIC ON THE FORM APPEARING ON THE BACK OF THE SHEET.

B. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO LESS THAN TWELVE POINT BOLDFACED TYPE IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION SHEET THE FOLLOWING:

"_____ PAID CIRCULATOR" "_____ VOLUNTEER"

C. A CIRCULATOR OF PETITIONS SHALL STATE WHETHER THE CIRCULATOR IS A PAID CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION FORM BEFORE CIRCULATING THE PETITION FOR SIGNATURES.

D. SIGNATURES OBTAINED ON PETITIONS IN VIOLATION OF SUBSECTION B OF THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

E. AT THE TIME OF SIGNING, THE PROPERTY OWNER SHALL SIGN THE PROPERTY OWNER'S FIRST AND LAST NAMES IN THE SPACES PROVIDED AND THE PROPERTY OWNER SO SIGNING FOR THE PERSON CIRCULATING THE PETITION SHALL PRINT THE FIRST AND LAST NAMES AND WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE SIGNATURE, THE SIGNER'S RESIDENCE ADDRESS, GIVING STREET AND NUMBER, AND IF THE PROPERTY OWNER HAS NO STREET ADDRESS, A DESCRIPTION OF THE RESIDENCE LOCATION. THE PROPERTY OWNER SO SIGNING OR THE PERSON CIRCULATING THE PETITION SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE PROPERTY OWNER'S ADDRESS, THE DATE ON WHICH THE PROPERTY OWNER SIGNED THE PETITION.

F. THE TITLE AND TEXT OF PETITIONS SHALL BE IN AT LEAST EIGHT POINT TYPE.

G. THE EIGHT POINT TYPE REQUIRED BY SUBSECTION F OF THIS SECTION DOES NOT APPLY TO MAPS, CHARTS OR OTHER GRAPHICS.

H. THE BOARD OF SUPERVISORS OR OTHER GOVERNING BODY OF A POLITICAL SUBDIVISION THAT RECEIVES A PETITION PURSUANT TO THIS SECTION SHALL SUBMIT A COPY OF THE SIGNATURE SHEETS TO THE COUNTY ASSESSOR FOR VERIFICATION. THE COUNTY ASSESSOR SHALL:

1. VERIFY THAT THE PETITION CONTAINS THE NAMES OF MORE THAN ONE-HALF OF THE PROPERTY OWNERS IN THE AREA OF THE PROPOSED DISTRICT.

2. DETERMINE THE TOTAL ASSESSED VALUATION OF THE PROPERTY OWNED BY THE PERSONS WHOSE NAMES ARE SIGNED ON THE PETITION.

I. THE COUNTY ASSESSOR SHALL REPORT THE RESULTS OF THE VERIFICATION TO THE BOARD OF SUPERVISORS OR OTHER GOVERNING BODY WITHIN TEN DAYS AFTER RECEIVING THE COPY OF THE SIGNATURE SHEETS, NOT INCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS.

1 Sec. 6. Section 48-851, Arizona Revised Statutes, is amended to read:
2 48-851. Noncontiguous county island fire district: formation;
3 definition

4 A. A noncontiguous county island fire district shall be formed by the
5 following procedures:

6 1. One or more persons who wish to petition for a noncontiguous county
7 island fire district shall request and the county assessor shall provide a
8 map of all of the county island areas that are contained within the municipal
9 planning area of a city.

10 2. Within thirty days after receiving a map from the county assessor,
11 the person shall submit a revised map that indicates those county island
12 areas that are proposed to be included in the noncontiguous county island
13 fire district and shall submit the names and addresses of three persons who
14 are proposed to serve as the organizing board of the district.

15 3. On receipt of the revised map and the proposed organizing board's
16 membership, the board of supervisors shall set a day for a hearing on the
17 proposed district formation.

18 4. The clerk of the board of supervisors shall mail, by first class
19 mail, written notice of the statement, its purpose and notice of the day,
20 hour and place of the hearing on the proposed district to each owner of
21 taxable property and to each household in which a qualified elector resides
22 within the boundaries of the proposed district. The clerk of the board of
23 supervisors shall post the notice in at least three conspicuous public places
24 in the area of the proposed district and shall publish twice in a daily
25 newspaper of general circulation in the area of the proposed district, at
26 least ten days before the hearing, or, if no daily newspaper of general
27 circulation exists in the area of the proposed district, at least twice at
28 any time before the date of the hearing, a notice setting forth the purpose
29 of the proposed district formation, the description of the area of the
30 proposed district and the day, hour and place of the hearing.

31 5. At the hearing called pursuant to paragraph 3 of this subsection,
32 the board of supervisors shall hear those who appear for and against the
33 proposed district and shall determine whether the creation of the district
34 will promote public health, comfort, convenience, necessity or welfare. If
35 the board of supervisors determines that the public health, comfort,
36 convenience, necessity or welfare will be promoted, it shall authorize the
37 persons proposing the district to circulate petitions as provided in this
38 subsection. The order of the board of supervisors shall be final, but if the
39 request to circulate petitions is denied, a subsequent request for a similar
40 district may be refiled with the board of supervisors after six months from
41 the date of the denial.

42 6. Within fifteen days after receiving the approval of the board of
43 supervisors as prescribed by paragraph 5 of this subsection, the clerk of the
44 board shall determine the minimum number of signatures required for
45 compliance with paragraph 8, ~~subdivisions~~ SUBDIVISION (b) and ~~(c)~~ of this

1 subsection. After making that determination, that number of signatures shall
2 remain fixed, notwithstanding any subsequent changes in voter registration
3 records.

4 7. After receiving the approval of the board of supervisors as
5 provided in paragraph 5 of this subsection, any adult person may circulate
6 and present petitions to the board of supervisors of the county in which the
7 district is located. All petitions circulated shall be returned to the board
8 of supervisors within one year from the date of the approval of the board of
9 supervisors pursuant to paragraph 5 of this subsection. Any petition that is
10 returned more than one year from that date is void.

11 8. The petitions presented pursuant to paragraph 7 of this subsection
12 shall comply with the provisions regarding ~~petition form in section 48-265~~
13 ~~and~~ verification in section 48-266 and shall:

14 (a) At all times, contain a legal description of the boundaries of the
15 proposed district and a detailed, accurate map of the proposed district and
16 the names, addresses and occupations of the proposed members of the
17 district's organizing board of directors. No alteration of the proposed
18 district shall be made after receiving the approval of the board of
19 supervisors as provided in paragraph 5 of this subsection.

20 (b) Be signed by more than one-half of the aggregate number of
21 property owners in the county island areas contained in the proposed
22 district.

23 9. On receipt of the petitions, the board of supervisors shall set a
24 day, not more than thirty days from that date, for a hearing on the petition.

25 10. ~~Prior to~~ BEFORE the hearing called pursuant to paragraph 9 of this
26 subsection, the board of supervisors shall determine the validity of the
27 petition signatures presented. At the hearing called pursuant to paragraph 9
28 of this subsection, the board of supervisors, if the petitions are valid,
29 shall order the formation of the district. The board of supervisors shall
30 enter its order setting forth its determination in the minutes of the
31 meeting, not later than ten days from the day of the hearing, and a copy of
32 the order shall be filed in the county recorder's office. The order of the
33 board of supervisors shall be final, and the proposed district is formed
34 thirty days after the board of supervisors votes to form the district. A
35 decision of the board of supervisors under this subsection is subject to
36 judicial review under title 12, chapter 7, article 6.

37 B. For the purpose of determining the validity of the petitions
38 presented pursuant to subsection A, paragraph 7 of this section:—

39 ~~1. Qualified electors shall be those persons qualified to vote~~
40 ~~pursuant to title 16.~~

41 ~~2. property held in multiple ownership shall be treated as if it had~~
42 ~~only one property owner, so that the signature of only one of the owners of~~
43 ~~property held in multiple ownership is required on the formation petition.~~

44 C. If a district is formed pursuant to this section, the cost of
45 publication of the notice of hearing, AND the mailing of notices to electors

1 and property owners and all other costs incurred by the county as a result of
2 this section shall be a charge against the district.

3 D. A district organized pursuant to this section shall have an
4 organizing board of directors to administer the affairs of the district until
5 a duly constituted board of directors is elected as provided in this title.
6 The organizing board shall have all the powers, duties and responsibilities
7 of an elected board. The organizing board shall consist of the three
8 individuals named in the petitions presented pursuant to subsection A of this
9 section. If a vacancy occurs on the organizing board, the remaining board
10 members shall fill the vacancy by appointing an interim member. Members of
11 the organizing board shall serve without compensation but may be reimbursed
12 for actual expenses incurred in performing their duties. The organizing
13 board shall elect from its members a chairperson and a clerk. For any
14 challenge to the formation of the district, the district board is a proper
15 party to the challenge and any petition circulators are not proper parties.

16 E. For the purposes of this article, "noncontiguous county island fire
17 district" means a district that is formed pursuant to this section in a
18 county that has a population of at least one million five hundred thousand
19 persons and for which all of the following apply:

20 1. The district consists of only noncontiguous county islands in a
21 geographic boundary area that is contained in a municipal planning area and
22 within the boundaries of an automatic aid consortium where there is no
23 private provider of fire protection service at the time of the district's
24 formation.

25 2. Fire protection services are not funded pursuant to section 48-807
26 at the time of the district's formation.

27 3. There is only one fire district within the geographic area of the
28 municipal planning area for any one city or town.

29 Sec. 7. Section 48-2102, Arizona Revised Statutes, is amended to read:
30 48-2102. Petition to form district; contents of petition

31 A. Any one or more persons intending to form a pest abatement district
32 shall comply with section 48-261. In addition to the requirements for an
33 impact statement prescribed in section 48-261, subsection A, an impact
34 statement for the formation of a pest abatement district shall also include a
35 plan for pest abatement, including a listing of any chemicals to be used and
36 an estimated application schedule and a certification from the county health
37 officer that states that the pest sought to be prevented, controlled or
38 eradicated has invaded or threatens to invade the boundaries of the proposed
39 district.

40 B. In addition to the requirements for a petition prescribed by
41 ~~sections 48-265 and~~ SECTION 48-266, the petition for a pest abatement
42 district shall include the name of the pest to be prevented, controlled or
43 eradicated.

APPROVED BY THE GOVERNOR MAY 7, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2010.